

(Rev. 5/05)
ORIGINAL**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983****IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**(1) NAVE, LARRY O.
(Name of Plaintiff) (Inmate Number)DEL. CORR. CENTER, SMYRNA DE, 19977
(Complete Address with zip code)(2) AND SIMILAR SUITED INMATES
(Name of Plaintiff) (Inmate Number)

06 - 198

(Case Number)

(to be assigned by U.S. District Court)

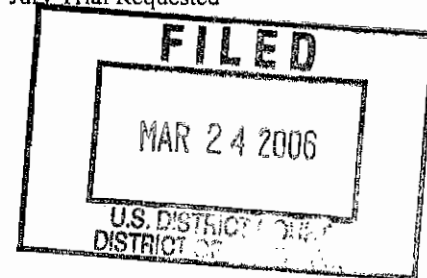
(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) DEPT. OF CORR.(2) WARDEN TOM CARROLL(3) TREATMENT SUPERINT. RON HOSTERMAN
(Names of Defendants)IN THE INDIVIDUAL AND OFFICIAL CAPACITY
(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)**CIVIL COMPLAINT**

• • Jury Trial Requested

**I. PREVIOUS LAWSUITS**

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

J/A

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • Yes • • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • Yes • • No
- C. If your answer to "B" is Yes:
1. What steps did you take? FILED GRIEVANCES, AND CORRESPONDENCE TO DEFENDANTS, AND OTHER ADMINISTRATORS
 2. What was the result? GRIEVANCES REJECTED AS NON GRIEVABLE, CORRESPONDENCES NEVER ADDRESSED.
- D. If your answer to "B" is No, explain why not: N/A

III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: DEPT. OF CORR
- Employed as D.P.C. at DELAWARE
- Mailing address with zip code: 245 MCKEE ROAD, DOVER DE, 19904
- (2) Name of second defendant: TOM CARROLL
- Employed as WARDEN at DEL. CORR. CENTER
- Mailing address with zip code: 1181 PADDOCK ROAD, SMYRNA, DE. 19977
- (3) Name of third defendant: RON HOSTERMAN
- Employed as TREATMENT SUPERINT. at DEL. CORR. CENTER
- Mailing address with zip code: 1181 PADDOCK ROAD, SMYRNA DE. 19977
- (List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

TO, STATEMENT OF CLAIM

D, THE DELAWARE CORRECTIONAL CENTER HAS A CLASSIFICATION POINT SYSTEM (POLICY), THAT (MANDATES) PETITIONER HAVE TO (WORK) AND ATTEND TREATMENT PROGRAMS (GROUPS), SHOULD PETITIONER HAVE, REFUSE TO COMPLY TO SAID CLASSIFICATION POLICIES REQUIREMENTS, PETITIONER HAVE, WILL BE DISCIPLINED AND RECEIVE A HIGHER CUSTODY POINT LEVEL AND HOUSING, THE DEPT. OF, CCR., WARDEN CARROLL AND TREATMENT SUPERINTENDANT HOSTERMAN, CAN NOT PROVIDE THE (MANDATED) REQUIREMENTS OF SAID (POLICY) REGARDING (EMPLOYMENT) AND TREATMENT (PROGRAMS) TO PETITIONER HAVE, BECAUSE EVEN THOUGH THE CLASSIFICATION (POLICY) IS BEING FORCED UPON PETITIONER, THE D.C.C. M.H.U. COMPLEX DOES NOT HAVE ANY TREATMENT PROGRAMS AND ONLY (2) JOB POSITIONS FOR (400 INMATES), SO PETITIONER HAVE, CANT MEET THE MANDATED REQUIREMENTS OF THE CLASSIFICATION POINT SYSTEM (POLICY) AND IS PUNISHED AT EVERY CLASSIFICATION HEARING HELD ON PETITIONER BECAUSE PETITIONER HAVE, CANT SHOW PROGRAM ATTENDANCE NOR EMPLOYMENT, SO HE IS REFUSED THE POINT DEDUCTION HE WOULD HAVE RECEIVED HAD HE SHOWED ATTENDANCE AND EMPLOYMENT, SO HE IS NOT GRANT (GRANTED) A LOWER LEVEL OF CUSTODY. PETITIONER HAVE, IS UNDER THE SENTENCING LAWS OF 1992, IN WHICH PETITIONER MUST GO BEFORE THE PAROLE BOARD TO GAIN RELEASE, BUT THE PAROLE BOARD HAS A OBLIGATED DUTY TO SOCIETY AND PETITIONER TO DENY PETITIONER RELEASE UNTIL PETITIONER RECEIVES TREATMENT PROGRAMS OR AT THE VERY LEAST OFFER THE OPPORTUNITY TO ATTEND A TREATMENT PROGRAM, PETITIONER HAVE, GOSE BEFORE THE PAROLE BOARD ANY DAY NOW AFTER 25 YEARS, AND AS A RESULT OF DEFENDANTS ACTIONS OR LACK OF ACTION, PETITIONER HAVE, WILL BE DENIED RELEASE.

STATEMENT OF CHAZM CONTINUES:

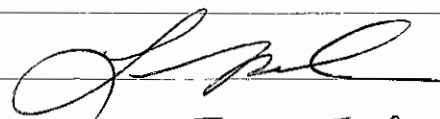
- 2) THE DELAWARE CORRECTIONAL CENTER HAS A CORRECTIONAL CODE OF PENAL DISCIPLINE (POLICY), THAT GOVERN'S ANY AND ALL DISCIPLINARY ACTIONS FILED REGARDING AN ALLEGED RULE VIOLATION BY AN INMATE. THE DEPT. OF CORR., WARDEN CARROLL AND TREATMENT SUPERINTENDANT, HOSTERMAN, ARE OBLIGATED TO ENSURE THE ENFORCEMENT OF SAID POLICY DURING ANY DISCIPLINE HEARING OR REGARDING ANY DISCIPLINARY REPORT, HOWEVER DEFENDANT'S REFUSE TO MEET THERE OBLIGATIONS AND AUTHORIZE THERE STAFF TO ISSUE A DISCIPLINARY SANCTION UPON PETITIONER NAME, WITHOUT ANY HEARING NOR CHANCE TO APPEAL SAID SANCTION (PUNISHMENT) BEFORE IMPOSING THE PUNISHMENT UPON PETITIONER NAME. THESE INFRACTIONS AND PUNISHMENTS ARE USED NOT ONLY AT EVERY CLASSIFICATION HEARING OF PETITIONER TO FURTHER PUNISH PETITIONER, THEY WILL BE USED AT PETITIONER'S UP COMING PAROLE HEARING AGAINST HIM.
- 3) SINCE OCT. OF 2002, PETITIONER NAME, HAS BEEN HOUSED IN THE PUNATIVE HOUSING COMPLEX OF THE DEL. CORL. CENTER, FOR REASONS) UNKNOWN TO PETITIONER, PETITIONER'S PLACEMENT IN THE PUNATIVE HOUSING WAS NOT, AND IS NOT FOR ANY INVESTIGATION FOR ILLEGAL ACTIVITIES BY PETITIONER, NOR DUE TO BEING A BEHAVIORAL OR DISCIPLINARY PROBLEM, AND EVEN THOUGH THE MULT. DISCIPLINARY TEAM, AND INSTITUTIONAL CLASSIFICATION COMMITTEE HAS FOR OVER (4) FOUR YEARS RECOMMENDED PETITIONER'S RELEASE, AND THE PRE-PAROLE BOARD HAS VOTED 5-0 IN FAVOR OF PAROLE FOR PETITIONER, THE WARDEN CONTINUES TO DENY PETITIONER RELEASE FROM THE MCH, FOR REASONS) UNKNOWN TO PETITIONER.

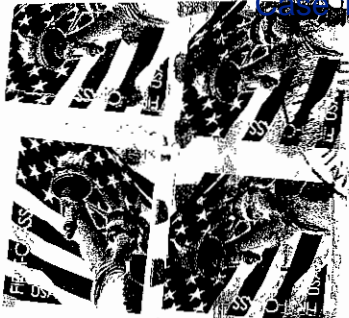
V. RELIEF

- 1) TO PROVIDE PETETEENR NAU, THE MANDATED EMPLOYMENT AND TREATMENT PROGRAMS REQUIRED BY D.C.C.'S CLASSIFICATION POLICY, OR TO DISCONTINUE THE POINT SYSTEM OF THE CLASSIFICATION POLICY UNTIL DEFENDANTS CAN COMPLY WITH THEIR OWN POLICY AND GIVE EVERY INMATE A JOB AND TREATMENT PROGRAMS.
- 2) TO GIVE PETETEENR NAU, THE POINT DEDUCTIONS AND CUSTODY LEVEL PETETEENR WOULD HAVE IF HE WAS GIVEN A JOB AND SAID TREATMENT PROGRAMS BY DEFENDANTS, FOR THE LAST (4) FOUR YEARS.
- 3) TO ORDER PETETEENR'S DISCIPLINARY FILE CLEARED OF ALL DISCIPLINARY ACTIONS, PETETEENR NAU, WAS NOT PROVIDED A HEARING OR A CHANCE TO APPEAL, AND TO ORDER D.C.C. TO STOP ALLOWING STAFF TO ISSUE SANCTIONS WITHOUT FIRST GIVING THE INMATES A HEARING OR CHANCE TO APPEAL SAID SANCTIONS.
- 4) TO ORDER A REVIEW OF ALL DISCIPLINARY ACTIONS THAT WAS NOT FILED WITHIN THE GUIDELINES OF THE PENAL CODE AND TO HAVE ALL HEARINGS HELD BY THE MULTIPLE DISCIPLINARY TEAM, AND NOT BY A ONE MAN HEARING OFFICER, AND TO HAVE ALL HEARINGS TAPE RECORDED TO ENSURE PROPER RECORDS ARE KEPT OF THE HEARING.
- 5) TO ISSUE AN ORDER TO THE WARDEN TO SHOW CAUSE AS TO WHY PETETEENR NAU, IS BEING REFUSED RELEASE FROM THE M.H.U. PUNTEU HOUSING COMPLEX, AND TO SHOW CAUSE WHY PETETEENR WAS PLACED IN THE PUNTEU HOUSING UNITS, TO PAY ALL COURT COST AND ANY OTHER PUNTEU DAMAGES THE COURT DEEMS APPROPRIATE DUE TO PETETEENR NAU.

I LARRY D. NAUSE DECLARE UNDER THE PENALTY OF PERJURY
THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNED 21 DAY OF MARCH 2006


SIGNATURE OF PLAINTIFF



22
2006
PM

IM NACE, LARRY
SRI# 166131 UNIT 22045
DELAWARE CORRECTIONAL CENTER
1181 PADEDOCK ROAD

SMYRNA, DELAWARE 19977
WILMINGTON, DE 19850

22 MAR

U.S. DISTRICT COURT HOUSE
844 N. KING ST,
WILMINGTON DE
19801